

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS BROOKS,

Defendant. \_\_\_\_\_/

Case No. 17-cr-20783

Paul D. Borman

United States District Judge

**ORDER DENYING DEFENDANT'S "APPLICATION FOR  
COMPASSIONATE RELEASE PURSUANT TO 18 U.S.C. § 3582(C)(1)(A)(i)  
AS A RESULT OF COVID-19" (ECF NO. 127)**

Defendant seeks a reduction of his 70-month sentence due to COVID-19, a fib heart condition and obesity. (ECF No. 127 at PageID.590.) His release plan is to reside with Loretta Englemon, his common-law wife. (*Id.* at 591.) Defendant is incarcerated at FCI-Morgantown, W. Va., a minimum-security prison. Defendant was sentenced for distributing over 40 kilograms of cocaine.

Defendant contends that his 70-month sentence contains an outdate of June 4, 2023 due to his prison good time (no prison violations) and his successful completion of the BOP Residential Drug Abuse Program (RDAP), for which he received a one-year reduction in his remaining sentence.

Defendant contends that he refused the COVID-19 because of religious reasons--he is a practicing Rastafarian.

Defendant contends that in addition to his potential for becoming infected with COVID-19, he is medically vulnerable due to his morbid obesity and his a-fib heart condition.

The Government Response in Opposition (ECF No. 130) contends that as of August 9, 2021, he has served only 36.7% of his full term, 43% after the application of good-time credit, and 54% after receiving the one-year credit based on his completion of the RDAP program. (*Id.* at PageID.640, n.2.)

The Government points out that Defendant, who is now 55 years old, has 16 adult convictions, some of which were for dangerous crimes: "attempted felonious assault (age 20), drug abuse (age 25), domestic violence (age 25), attempted drug violation (age 26), drug distribution (age 27), drug abuse (age 29), and drug trafficking (age 37). Further, the Government notes that he had two serious juvenile convictions involving breaking and entering with elderly victims." (*Id.* at PageID.641.)

The Governments attaches BOP medical records indicating Defendant has a BMI of 35.5 (obese), and intermittent atrial fibrillation, an irregular heartbeat, which is being treated with medication. The Government also notes that Defendant refused the Pfizer COVID-19 vaccine on April 2, 2021. (*Id.* at PageID.643.) *See, United States v. Broadfield*, 2021 WL 3076863 (7<sup>th</sup> Cir. 2021).

Defendant's Reply (ECF No. 136) notes that as of September 8, 2021, only one inmate is COVID-19 positive. (*Id.* at PageID.632.)

The present BOP COVID-19 statistics at FCI-Morgantown are 0 positive inmates. (Per BOP Regional Attorney, Tracy Knutson, St. Louis, MO, October 18, 2021.)

Defendant contends that that the Rastafarian code of behavior includes rejection of Western medicine, i.e. in this case, the COVID-19 vaccine. (*Id.* at PageID 634.)

Defendant also noted that he has three more medical conditions, per BOP medical records: high blood pressure, pre-diabetes, and hyperlipidemia. But the records indicates that all are being treated, successfully.

The Defendant opposes the Government's reliance on one of the 18 U.S.C. § 3553(a) factors--but 18 U.S.C. § 3553(a) requires the Court to consider all of them when applicable, and this Court's discussion and application of them at his sentencing continue to be applicable today--the Court concludes that Defendant would be a danger to the community if released early, even though he has subsequently completed RDAP, and has no BOP disciplinary infractions.

Accordingly, the Court DENIES Defendant's Motion for Compassionate Release.

SO ORDERED.

DATED: October 20, 2021

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE